
HOUSE BILL 2274

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Reykdal, Sells, Ryu, Hunt, Goodman, Green, Moeller, Jinkins, Appleton, Bergquist, and Ormsby

Read first time 01/15/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to collective bargaining for assistant attorneys
2 general; amending RCW 43.10.070; adding a new section to chapter 41.56
3 RCW; adding new sections to chapter 43.10 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the legal
7 services provided by assistant attorneys general in the office of the
8 attorney general are crucial to the ability of the state officials,
9 agencies, colleges, boards, and commissions to function and fulfill
10 their obligations to the citizens of the state. Assistant attorneys
11 general are exempt from civil service under RCW 41.06.070 and, unlike
12 other agencies in state government, the office of the attorney general
13 does not have a salary schedule with regular step increases for
14 assistant attorneys general. The assistant attorneys general currently
15 have no mechanism through which to collectively bargain for salary
16 increases. The legislature finds the office of the attorney general
17 has experienced increased difficulty recruiting and retaining attorneys
18 due to the disparity in wages paid to assistant attorneys general as
19 compared to attorneys in other public sector positions. This type of

1 turnover is costly to the office of the attorney general, negatively
2 impacts morale, interferes with the ability of the office to succession
3 plan, and ultimately harms the citizens of this state. Therefore, it
4 is the legislature's intent to empower assistant attorneys general to
5 collectively bargain for fair wages that will foster job satisfaction
6 and the highest standards of professional competence among assistant
7 attorneys general.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56 RCW
9 to read as follows:

10 In addition to the entities listed in RCW 41.56.020, this chapter
11 applies to assistant attorneys general as provided under sections 3 and
12 4 of this act.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.10 RCW
14 to read as follows:

15 (1)(a) Assistant attorneys general who are not otherwise excluded
16 from bargaining under (b) of this subsection are granted the right to
17 collectively bargain over wages with the attorney general or his or her
18 designee. Collective bargaining between assistant attorneys general
19 and the attorney general or his or her designee is governed by chapter
20 41.56 RCW, except as expressly limited by this chapter and other law.

21 (b) Senior assistant attorneys general, deputy attorneys general,
22 the solicitor general, special assistant attorneys general,
23 confidential employees as defined by RCW 41.80.005(4), and any
24 assistant or deputy attorney general who reports directly to the
25 attorney general may not collectively bargain.

26 (2)(a) The only unit appropriate for the purpose of collective
27 bargaining under RCW 41.56.060 is a statewide unit of assistant
28 attorneys general not otherwise excluded from bargaining under this
29 section.

30 (b) The showing of interest required to request an election under
31 RCW 41.56.060 is ten percent of the unit and any intervener seeking to
32 appear on the ballot must make the same showing of interest.

33 (3) The attorney general or his or her designee and the exclusive
34 bargaining representative may not bargain over rights of management
35 that, in addition to all powers, duties, and rights established by

1 constitutional provision or statute, include but are not limited to the
2 following:

3 (a) The functions and programs of the office of the attorney
4 general, the use of technology, and the structure of the organization;

5 (b) The office of the attorney general's budget and the size of its
6 workforce, including determining the financial basis for layoffs;

7 (c) The right to direct and supervise employees;

8 (d) The right to take whatever actions are necessary to carry out
9 the mission of the state and the attorney general's office during
10 emergencies;

11 (e) Retirement plans and retirement benefits;

12 (f) Health care benefits or other employee insurance benefits; and

13 (g) The right of the attorney general to, at his or her pleasure,
14 appoint or terminate assistants as provided in RCW 43.10.060 and
15 43.10.065.

16 (4) The attorney general may designate the governor, or the
17 governor's designee, to bargain on his or her behalf. If such a
18 designation occurs, costs of the negotiations and arbitration, if any,
19 shall be reimbursed as provided in RCW 41.80.140.

20 (5) Assistant attorneys general do not have the right to strike.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.10 RCW
22 to read as follows:

23 (1) Upon meeting the requirements of subsection (2) of this
24 section, the governor must submit, as part of the proposed biennial or
25 supplemental operating budget submitted to the legislature under RCW
26 43.88.030, and the attorney general must submit, as part of his or her
27 proposed budget to the legislature, a request for funds necessary to
28 implement the compensation provisions of a collective bargaining
29 agreement entered into under section 3 of this act or for legislation
30 necessary to implement such agreement.

31 (2) A request for funds necessary to implement the compensation
32 provisions of a collective bargaining agreement entered into under
33 section 3 of this act shall not be submitted by the governor or the
34 attorney general to the legislature unless such request:

35 (a) Has been submitted to the director of financial management by
36 October 1st prior to the legislative session at which the request is to
37 be considered; and

1 (b) Has been certified by the director of financial management as
2 being feasible financially for the state.

3 (3) The legislature must approve or reject the submission of the
4 request for funds as a whole. If the legislature rejects or fails to
5 act on the submission, both parties shall immediately enter into
6 collective bargaining for a mutually agreed upon modification of the
7 agreement.

8 (4) The attorney general or his or her designee shall periodically
9 consult with the joint committee on employment relations established by
10 RCW 41.80.010 regarding appropriations necessary to implement the
11 compensation provisions of any collective bargaining agreement and,
12 upon completion of negotiations, advise the committee on the elements
13 of the agreement and on any legislation necessary to implement such
14 agreement.

15 (5) If, after the compensation provisions of an agreement are
16 approved by the legislature, a significant revenue shortfall occurs
17 resulting in reduced appropriations, as declared by proclamation of the
18 governor or by resolution of the legislature, both parties shall
19 immediately enter into collective bargaining for a mutually agreed upon
20 modification of the agreement.

21 **Sec. 5.** RCW 43.10.070 and 1965 c 8 s 43.10.070 are each amended to
22 read as follows:

23 Subject to any collective bargaining agreement, the attorney
24 general shall fix the compensation of all assistants, attorneys, and
25 employees, and in the event they are assigned to any department, board,
26 or commission, such department, board, or commission shall pay the
27 compensation as fixed by the attorney general, not however in excess of
28 the amount made available to the department by law for legal services.

29 NEW SECTION. **Sec. 6.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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